



OFFICE OF THE
POLICE COMPLAINT COMMISSIONER

British Columbia, Canada

NEWS RELEASE

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OPCC 2020-17317

No Public Hearing following arrest and handcuffing of Indigenous man and his granddaughter at a Bank of Montreal

Victoria – The Police Complaint Commissioner has completed his review of the disciplinary decision which resulted in discipline of two VPD officers for committing misconduct following the arrest and handcuffing of an Indigenous man and his granddaughter at a Bank of Montreal in Vancouver, BC, on December 20, 2019. The Commissioner confirms the outcome issued by retired Provincial Court Judge, Mr. Brian Neal, Q.C.. The Commissioner's decision may be found here: <https://opcc.bc.ca/wp-content/uploads/2022/06/17317-2022-05-27-Conclusion-of-Proceedings.pdf>

Mr. Neal determined that both officers had each committed two counts of *Abuse of Authority* by recklessly arresting the complainants and by using unnecessary force by applying handcuffs. Mr. Neal imposed a penalty of a period of suspension, retraining and ordered the members to issue an apology. The OPCC can confirm that both police officers have issued written apologies in this matter.

In his decision pursuant to section 125 of the Police Act, Mr. Neil stated:

The circumstances of this case have brought into sharp focus the risk of precipitous action by police in summarily ending the liberty of persons under investigation by arrest.

This decision has also found that the cultural safety needs of Mr. Maxwell and his granddaughter, Indigenous persons who found themselves under scrutiny by police, were simply not considered by the officers in question. In the result, two vulnerable persons of Indigenous heritage were exposed to unnecessary trauma and fear, and left with a serious perception of unfairness in their treatment at the hands of police.

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Details about this decision and the reasons for the Commissioner appointing a retired a judge to review this matter can be found on the Section 117 page of the OPCC's webpage, located at <https://opcc.bc.ca/decisions/section-117-reviews/>.

A separate but related "Service and Policy" Complaint concerning the Vancouver Police Department policies regarding handcuffing remains open and is awaiting a final determination from the Vancouver Police Board on the matter. At the conclusion of the Service and Policy complaint the Commissioner may make further recommendations to the Vancouver Police Board or to the Minister of Public Safety and Solicitor General arising from this matter, including recommendations related to training or policies.

About the OPCC and Section 117 reviews

- The Police Complaint commissioner is a civilian, independent Officer of the Legislature overseeing complaints, investigations and discipline involving municipal police in British Columbia. For more on the OPCC, visit <https://opcc.bc.ca/about-us/>
- Investigations into all forms of police misconduct and resulting disciplinary processes are performed by the police themselves under the independent, civilian oversight of the OPCC.
- Senior ranking police officers are required under the *Police Act* to make determinations regarding the investigation and discipline of police officers alleged to have committed misconduct
- At certain stages of the complaints process, the Police Complaint Commissioner can appoint retired members of the judiciary to act as a check and balance of decisions made by the police.
- In 2019 a Special Committee of the Legislature recommended the Commissioner be given the authority to appoint a Retired Judge earlier in the complaint process. To date that recommendation has not been acted upon by government.

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